

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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GERALD J. FOSS,

Petitioner,

Case No. 1:12cv215

v.

Hon. Robert J. Jonker

CITY OF BATTLE CREEK, et al.,

Respondent.

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**ORDER**  
**APPROVING AND ADOPTING REPORT AND RECOMMENDATION**

The court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action. The Report and Recommendation was duly served on the parties on October 23, 2012. No objections have been filed pursuant to 28 U.S.C. § 636(b)(1)(C).

**THEREFORE, IT IS ORDERED** that the Report and Recommendation of the Magistrate Judge, filed October 23, 2012, is approved and adopted as the opinion of the court.

**IT IS FURTHER ORDERED** that defendant's motion to dismiss (docket #11) is **GRANTED**. This action is **DISMISSED**.

/s/ Robert J. Jonker  
ROBERT J. JONKER  
UNITED STATES DISTRICT JUDGE

DATED: November 19, 2012.